

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 5, 2000**

## DIVISION ONE

B133361 People  
v.  
Franklin

Filed order granting petition for rehearing. Appellant Leon Charlie Franklin shall have 30 days from the date of this order within which to file his supplemental brief.

B131987 People (Not for Publication)  
v.  
Turner

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.  
Ortega, J.

B122908 People (Not for Publication)  
v.  
Keech

The judgment is affirmed.

Ortega, J.

We concur:    Spencer, P.J.  
                         Masterson, J.

## DIVISION ONE (Continued)

B130755 People (Not for Publication)  
v.  
Laney et al.

The judgment as to Murphy is ordered modified to strike the one-year enhancement imposed pursuant to Penal Code section 667.5, subdivision (b); to reflect that five-year enhancements were imposed on counts 1 and 2 pursuant to Penal Code section 667, subdivision (a)(1), rather than pursuant to Penal Code section 12022.5, subdivision (a)(1), and to further reflect that sentence on count 2 is stayed pursuant to Penal Code section 654. In all other respects, the judgment is affirmed. The trial court is further ordered to forward a copy of the modified judgment to the Department of Corrections. The judgment as to Laney is affirmed in its entirety.

Masterson, J.

We concur: Spencer, P.J.  
Ortega, J.

B131835 People v. Eggleston (Not for Publication)

The judgment as to Murphy is ordered modified to strike the one-year enhancement imposed pursuant to Penal Code section 667.5, subdivision (b); to reflect that five-year enhancements were imposed on counts 1 and 2 pursuant to Penal Code section 667, subdivision (a)(1), rather than pursuant to Penal Code section 12022.5, subdivision (a)(1), and to further reflect that sentence on count 2 is stayed pursuant to Penal Code section 654. In all other respects, the judgment is affirmed. The trial court is further ordered to forward a copy of the modified judgment to the Department of Corrections.

The judgment as to Laney is affirmed in its entirety.

Masterson, J.

We concur: Spencer, P.J.  
Ortega, J.

April 5, 2000-Continued

## DIVISION ONE (Continued)

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The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B126147 People (Not for Publication)  
v.  
Moreno

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Masterson, J.

DIVISION TWO

B134440      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Cher M.

The judgment is affirmed.

Cooper, J.

We concur:   Boren, P.J.  
                      Nott, J.

DIVISION TWO (Continued)

B134174      Soka-Gakkai International-USA      (Not for Publication)  
v.  
Copy Spot, Inc., et al.

The judgment is affirmed.

Cooper, J.

We concur:    Boren, P.J.  
                 Mallano, J. (Assigned)

B132718      Greenberg                                      (Not for Publication)  
v.  
JEM Diversified Management, Inc.

The judgment is modified by reducing the amount awarded to JEM on its cross-complaint to \$2,680, and as so modified is affirmed. Greenberg shall recover costs on appeal.

Cooper, J.

We concur:    Nott, Acting P.J.  
                 Mallano, J. (Assigned)

B130029      People    (Not for Publication)  
v.  
Johnny Owen V.

The judgment is affirmed.

Cooper, J.

We concur:    Nott, Acting P.J.  
                 Mallano, J. (Assigned)

DIVISION TWO (Continued)

B118804      Federal Republic of Germany      (Not for Publication)  
                 v.  
                 Sendrey

The judgment is affirmed.

Cooper, J.

We concur:    Nott, Acting P.J.  
                 Mallano, J. (Assigned)

DIVISION THREE

B137540      Maria Q.      (Not for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (Los Angeles County Department of Children and Family Services, r.p.i.)

Petition denied by opinion.

Kitching, J.

We concur:    Croskey, Acting P.J.  
                 Schneider, J. (Assigned)

DIVISION FOUR

B126820      People      (Not for Publication)  
                 v.  
                 Arana

The judgment is affirmed.

Epstein, J.

We concur:    Vogel (C.S.), P.J.  
                 Berle, J. (Assigned)

DIVISION FOUR (Continued)

B133237      McEldowney                      (Not for Publication)  
                 v.  
                 McEldowney

The trial court's order on appellant's motion to enforce judgment is reversed, as to the court's denial of interest on the \$375,000 judgment. The case is remanded to the superior court for the entry of an order awarding appellant judgment interest on \$375,000 from the date of judgment, November 18, 1997, to the date of payment of the \$375,000, March 12, 1999, at ten percent per annum. Appellant is to recover costs on appeal.

Berle, J. (Assigned)

We concur:    Vogel (C.S.), P.J.  
                 Hastings, J.

B127874      People                                      (Not for Publication)  
                 v.  
                 James B. and Janine C.

That orders as to both minors are affirmed. Upon remanded, the trial court is ordered to correct the minute orders to reflect the stay ordered on count 2.

Hastings, J.

We concur:    Vogel (C.S.), P.J.  
                 Epstein, J.

DIVISION FIVE

B129932      People  
                 v.  
                 Oscar Archila

Filed order modifying opinion.    (No change in the judgment)

April 5, 2000-Continued

## DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Weisman, J. (Assigned)

We concur:   Turner, P.J.  
                         Grignon, J.

B128252      People                                  (Not for Publication)  
v.  
Antonio Rodriguez

The judgment is affirmed.

O'Neal, J. (Assigned)

We concur: Turner, P.J.  
Godoy Perez, J.

B122293      Chester Carter  
v.  
County of Los Angeles et al.

Filed order denying petition for rehearing.

DIVISION SIX

B110243      People                                  (Certified for Publication)  
v.  
Douglas

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

B128322      Cappello, Foley & Bezek et al.      (Not for Publication)  
v.  
Berti

The matter is reversed and remanded with instructions to reduce the attorney's fees award by the amount incurred in the summary judgment on the tort causes of action. In all other respects the judgment is affirmed. Appellants to bear costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

B135983      Peters      (Certified for Publication)  
v.  
Ventura County Superior Court  
(The People, r.p.i.)

Let a peremptory writ of mandate issue directing respondent court to set aside its order denying Peters's motion to dismiss, and to enter a new order in conformance with the views expressed in this opinion. The order to show cause and the stay of proceedings, having served their purposes, are dissolved.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.



DIVISION SEVEN

B133390 People v. Ristine (Not for Publication)

The judgment and order after judgment are affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

[illegible]

The judgment is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.  
Woods, J.

B132247 People (Not for Publication)  
v.  
Meshell

B138995      In re Meshell on Habeas Corpus

The judgment is affirmed. Petition for writ of habeas corpus is denied.

Neal, J.

We concur: Lillie, P.J.  
Johnson, J.